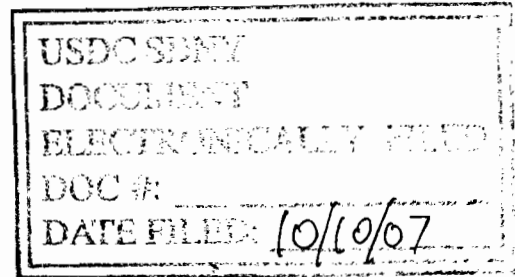


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

ORDER REGULATING DISCOVERY

21 MC 100 (AKH)

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ALVIN K. HELLERSTEIN, U.S.D.J.:

In light of the Second Circuit's October 5, 2007, order vacating its previous stay of District Court proceedings in this case, restoring jurisdiction in this Court, and ordering that the mandate issue forthwith, the discovery proceedings previously discussed in the January 11, 2007, status conference shall resume. The parties, preferably jointly or otherwise separately, shall review and comment on this Court's Proposed Core Discovery Items, (a copy of which is attached hereto) in writing by November 9, 2007. A hearing and status conference will be held on November 16, 2007, at 1:00 pm. The parties can expect to begin production soon thereafter.

SO ORDERED.

Dated: October 10, 2007
New York, New York

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein".

ALVIN K. HELLERSTEIN
United States District Judge

COURT'S PROPOSED CORE DISCOVERY

A. Discovery to be Produced by Each Plaintiff:

Location of Work

1. Where did each plaintiff work or, if the claim alleges negligence and causation not from work, where was that plaintiff otherwise exposed to a defendant's negligence causing harm?

Employer Defendants

2. For whom did each plaintiff work (giving full name of each employer)?
3. On what specific dates and times did each plaintiff work for each such employer?

Non-Employer Defendants

4. Which other defendants are alleged to have caused plaintiff injury, if any (giving full name of each such defendant)?
5. What relationship did the plaintiff have with such defendants? What facts show the existence of the alleged relationship between plaintiff and defendant?

Bases of Liability

6. What acts or omissions of each defendant caused the injuries of which each plaintiff complains;
 - a. On what dates and times did the acts or omissions occur;
 - b. Describe the chain of events, in as much detail as possible, demonstrating how the acts and omissions of each defendant caused the injuries of which plaintiff complains.
 - c. What type of personal protective equipment, if any, did each plaintiff utilize;
 - i. Was there guidance or instructions for use, and if so;
 - ii. By whom and when; and
 - iii. What specific complaints does each plaintiff allege regarding:
 1. Improper fit
 2. Inappropriateness for use
 3. Inadequate instruction
 4. Other—stating specifics of particular complaints.

Injuries Alleged

7. What specific injuries did each plaintiff suffer as a proximate result of the acts or omissions of each defendant identified above?

8. When did each plaintiff's injuries caused by each responsible party first become manifest, and describe the symptoms and the injuries that first manifested.
9. Identify the names and addresses of the doctor(s) who diagnosed and/or treated each plaintiff's injuries, and state specific dates of diagnosis/treatment. Authorizations to obtain full medical reports of each such doctor should be supplied by plaintiffs.

Other Remedies

10. What payments, treatments, or services, if any, has each plaintiff received in connection with his activities at any of the World Trade Center sites? State:
 - a. From whom;
 - b. Where;
 - c. What amounts;
 - d. What services.

Include all sources—workman's compensation, government funds, insurance, etc.

B. Discovery to be Produced by Each Defendant:

Location of Work

1. Where did each contractor defendant work?

Employee Plaintiffs

2. Which employees (identify by name) did each contractor defendant hire to perform the work relevant to this litigation?
3. Who hired the plaintiff employee (identify the hiring individual by name)?
4. What type of work was the plaintiff employee hired to perform?
5. What type of work did the plaintiff employee actually perform?
6. Where and when did they perform the work?

Contractual Arrangements

7. Who engaged each contractor defendant, and when (name of contracting individual)?
8. What written agreements were executed, or oral agreements entered into, in relation to the work performed by each contractor defendant? Produce each such agreement and each document considered part of the agreement.
9. What indemnification or insurance, if any, is available or claimed to be available, to each contractor defendant for claims relevant to this litigation? Produce all such agreements, policies, and documents constituting such agreements and policies.

Bases of Liability

10. Did each contractor defendant provide personal protective equipment to employees?

- a. On what dates was protective equipment provided?
- b. How was protective equipment distributed?
- c. Describe specifically the type of protective equipment distributed.

11. What instructions for using protective equipment were provided?

- a. On what dates were instructions given?
- b. How were instructions distributed?
- c. Describe specifically the instructions given for using protective equipment.